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REMARKS

Claims 1-26 remain pending in the application including independent claims 1 and 15. Claims 2, 9-11, and 25 are indicated as allowable.

The amendment to claim 26 is not related to any rejection or objection set forth in the subject official action. Claim 26 has solely been amended to correct a typographical error with regard to claim dependency.

Claims 1, 3-8, 12-14, and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mammarella (US 6167855). Claim 1 is directed to an air induction assembly including an air cleaner having an inlet and an outlet, an intake manifold mounted to the air cleaner, and a valve cover mounted to the air cleaner. Mammarella does not disclose this combination of elements.

The examiner argues that Mammarella discloses an air cleaner 28 having an air cleaner outlet 56, an intake manifold 18, and a valve cover 20 mounted to the air cleaner 28. Applicant disagrees. The air cleaner is clearly not mounted to the valve cover in Mammarella. Instead, Mammarella discloses that the air filter 28 is supported by a cradle 58 that is "mounted to the intake manifold base 18. . . ." See column 4, lines 9-10. Thus, there is no teaching of an air cleaner that is mounted to both a valve cover and an intake manifold as set forth in claim 1.

Claim 3 requires the air cleaner, the intake manifold, and the valve cover to be integrally molded together as a single piece. The examiner states "said valve cover are integrally molded together as a single piece." As shown in Figure 3, Mammarella clearly discloses separate components for the air filter 28, valve cover 20, and intake manifold 18. There is absolutely no teaching in Mammarella of forming these components together as a single piece. In response to applicant's arguments, the examiner for some reason refers to applicant's specification, which

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states that the components could be formed from separate pieces. This has absolutely nothing to do with the Mammarella disclosure. Mammarella does not disclose forming the air filter 28, valve cover 20, and intake manifold 18 as a single piece. Thus, Mammarella cannot anticipate claim 3.

Claim 4 requires one attachment interface between the air cleaner and the intake manifold and one attachment interface between the air cleaner and the valve cover. As discussed above, air filter 28 is not attached to the valve cover 20. The examiner argues that there is at least one attachment interface between the air cleaner and valve cover but does not describe where this attachment interface occurs. This is because there is no attachment interface between the air filter 28 and valve cover 20. Mammarella discloses that the air filter 28 is supported by a cradle 58 that is "mounted to the intake manifold base 18. . . ." See column 4, lines 9-10. This cradle 58 is on a top surface of the intake manifold base 18. The valve cover 20 is located underneath the intake manifold base 18 as shown in Figures 2 and 3. Thus, there is no attachment interface between the air filter and the valve cover.

Claim 12 requires a radial seal air filter mounted within a cavity formed within the air cleaner, the radial seal air filter comprising a tube and filtering material circumferentially surrounding the tube and extending along the length of the tube wherein the tube includes an enclosed first end and an open second end in fluid communication with the air cleaner outlet. The examiner argues that this configuration is disclosed by Mammarella, however, does not provide any details indicating exactly where in Mammarella the features of claim 12 are shown.

The examiner seems to be arguing that air filter 28 is equivalent to applicant's claimed air cleaner, however, claim 12 requires a radial seal air filter to be mounted within a cavity formed

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within the air cleaner. The examiner has not identified an air cleaner structure in Mammarella that forms a cavity in which a radial seal air filter is disclosed. This is because there is no such structure in Mammarella. The air filter 28 in Mammarella is mounted inside the intake manifold itself. Thus, Mammarella clearly does not anticipate claim 12. For similar reasons Mammarella clearly does not disclose the features of claims 13-14.

Also, claims 23, 24, and 26, which depend from claim 1, are clearly not anticipated by Mammarella. The examiner has not provided any details explaining which elements in Mammarella correspond to the claimed elements. The examiner has merely parroted applicant's own claim language without identifying the elements in Mammarella that correspond to the claimed elements. The examiner merely states that Mammarella discloses the claimed elements. This is insufficient evidence to support a rejection under 35 U.S.C. 102(b).

Claim 23 clearly states that the air cleaner comprises a housing that defines an inner cavity for receiving a filter wherein the housing includes a lower portion that is directly attached to the valve cover. With regard to claim 1, the examiner argues that Mammarella discloses an air cleaner 28. This component is the air filter itself, and does not comprise a housing with an inner cavity that receives a filter. Thus, there is no air cleaner housing in Mammarella. Further, the examiner's "air cleaner 28" does not include a lower portion that is directly attached to the valve cover. As explained above, air filter 28 in Mammarella is mounted to the intake manifold base 18, not the valve cover. For similar reasons claims 24 and 26 are also not anticipated by Mammarella.

Mammarella also does not anticipate the inventive method set forth in claims 15-22. Mammarella does not disclose assembling an intake manifold, air cleaner, and valve cover

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together to form an induction module, which is attached to a vehicle engine as a module. As shown in Figure 3, the valve cover 12 and intake manifold base 18 are attached to the engine, the air filter is installed, and then the cover 12 is clipped into place. Thus, Mammarella does not anticipate claim 15.

Further, Mammarella clearly does not anticipate claim 16. Claim 16 requires the step of positioning the air cleaner directly between the valve cover and intake manifold. The air filter 28 in Mammarella is clearly above both the intake manifold 18 and the valve cover 20. The air filter, therefore, cannot be between these components. Further, the examiner has admitted that Mammarella does not disclose this feature because this feature is similar to the feature of claim 2, which the examiner has indicated is allowable.

Claim 18 requires the step of installing an air filter in a cavity formed within the air cleaner. Again, the examiner is arguing that the air filter 28 in Mammarella is applicant's claimed air cleaner structure, however, with regard to claim 18 the examiner has not identified the elements in Mammarella that respectively correspond to an air cleaner and an air filter as set forth in the claims.

Claim 19 requires the step of integrally forming air cleaner, the intake manifold, and the valve cover together as a single piece. As shown in Figure 3, Mammarella clearly discloses separate components for the air filter 28, valve cover 20, and intake manifold 18. There is absolutely no teaching in Mammarella of forming these components together as a single piece. Thus, Mammarella cannot anticipate claim 19.

Claim 20 requires the step of forming a first attachment interface between the air cleaner and intake manifold and a second attachment interface, separate from the first attachment

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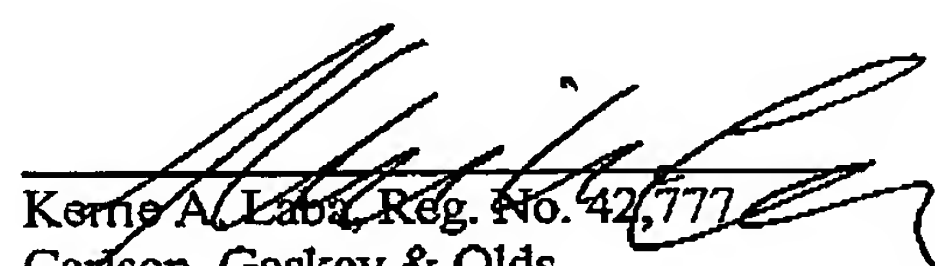
interface, between the air cleaner and the valve cover. Mammarella clearly does not disclose this feature. The air filter 28 in Mammarella is supported on a cradle 58 that is mounted to the intake manifold base 18. There simply is no attachment interface between the air cleaner and the valve cover. Thus, Mammarella cannot anticipate claim 20.

Claim 21 requires the air cleaner to comprise a housing defining an air filter cavity with step (a) including attaching a lower surface of the housing to the valve cover. Again, Mammarella does not disclose attaching an air cleaner housing to the valve cover.

Claim 22 requires the step of forming the air cleaner with walls that form a box for substantially enclosing a filter. There is no such structure in Mammarella. Further, the examiner has provided no details of where in Mammarella such a structure is disclosed.

Applicant respectfully asserts that all claims are now in condition for allowance. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on April 20, 2005.


Laura Combs